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Nathan G. Kanute (NV Bar No. 12413)
 SNELL & WILMER L.L.P.
 50 West Liberty Street, Suite 510
 Reno, NV 89501
 Telephone: (775) 785-5440
 Facsimile: (775) 785-5441
 Email: nkanute@swlaw.com

Donald L. Gaffney (*admitted pro hac vice*)
 (AZ Bar No. 005717)
 SNELL & WILMER L.L.P.
 One Arizona Center, Suite 1900
 400 East Van Buren Street
 Phoenix, AZ 85004-2202
 Telephone: (602) 382-6000
 Facsimile: (602) 382-6070
 Email: dgaffney@swlaw.com

Attorneys for Solarmore Management Services, Inc.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

DOUBLE JUMP, INC.,

Affects:

- ☐ All Debtors
- ☐ Double Jump, Inc. (19-50102-gs)
- ☒ DC Solar Solutions, Inc. (19-50130-gs)
- ☒ DC Solar Distribution, Inc. (19-50131-gs)
- ☐ DC Solar Freedom, Inc. (19-50135-gs)

Debtors.

Case No. 19-50102-gs – LEAD CASE

Chapter 7

Jointly administered

**JOINT *EX PARTE* MOTION FOR
 ORDER REQUIRING SCOTT WENTZ
 TO APPEAR FOR EXAMINATION
 PURSUANT TO FED. R. BANKR. P.
 2004**

Pursuant to Federal Rule of Bankruptcy Procedure 2004 and Local Rule 2004, Solarmore Management Services, Inc.¹ (“Solarmore”) and Christina W. Lovato, Chapter 7 Trustee (the “Trustee”), by and through their respective undersigned counsel, respectfully applies to this Court

¹ Solarmore is the managing member of Solar Eclipse Investment Fund V, LLC; Solar Eclipse Investment Fund VI, LLC; Solar Eclipse Investment Fund VII, LLC; Solar Eclipse Investment Fund VIII, LLC; Solar Eclipse Investment Fund X, LLC; Solar Eclipse Investment Fund XI, LLC; Solar Eclipse Investment Fund XII, LLC; Solar Eclipse Investment Fund XIV, LLC; Solar Eclipse Investment Fund XV, LLC; Solar Eclipse Investment Fund XVI, LLC; Solar Eclipse Investment Fund XVII, LLC; Solar Eclipse Investment Fund XVIII, LLC; Solar Eclipse Investment Fund XIX, LLC; Solar Eclipse Investment Fund XXI, LLC; Solar Eclipse Investment Fund XXII, LLC; Solar Eclipse Investment Fund XXIII, LLC; Solar Eclipse Investment Fund XXIV, LLC; Solar Eclipse Investment Fund XXVI, LLC; Solar Eclipse Investment Fund XXVIII, LLC; and Solar Eclipse Investment Fund XXXI, LLC (collectively, the “Funds”).

1 for an *ex parte* order requiring **Scott Wentz** to appear as set forth in a subpoena to be issued
 2 pursuant to Federal Rule of Bankruptcy Procedure 9016, at a time, place and date to be mutually
 3 agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14)
 4 calendar days written notice by Solarmore and/or the Trustee for examination, regarding the
 5 Debtor's assets, liabilities, and financial condition.

6 This Motion is supported by the following Memorandum of Points and Authorities.

7 MEMORANDUM OF POINTS AND AUTHORITIES

8 FED. R. BANKR. P. 2004 provides, in relevant part, that upon motion of any party in
 9 interest, the court may order the examination of the debtor or any other entity regarding the acts,
 10 conduct, property, liabilities and financial conditions of the debtor, or any other matter which
 11 affects the administration of the debtor's estate or the debtor's right to a discharge. Rule 2004
 12 further provides that production of documents may be compelled at this examination.

13 Solarmore and the Trustee seeks to conduct oral examination relating to the Debtor's
 14 assets, liabilities, and financial affairs for the following reasons:

- 15 1. To ascertain the facts and circumstances surrounding the filing by the Debtor of
 16 the above-captioned bankruptcy case (the "Petition");
- 17 2. To determine the manner in which the Debtor has conducted its business affairs;
- 18 3. To ascertain a more complete picture of the assets, liabilities and the financial
 19 condition of the Debtor; including, but not limited to information as to whether the Debtor
 20 improperly diverted assets to other individuals or entities, whether or not affiliated with the
 21 Debtor;
- 22 4. To ascertain the truth and veracity of information contained in the Debtor's
 23 schedules;
- 24 5. To ascertain and verify that the Debtor has not engaged in potential fraudulent
 25 transfers, preferences and avoidable transfers;
- 26 6. To ascertain and verify the legal and business relationship between Mr. Wentz,
 27 Montage Services, Inc. ("Montage"), Radius, and Vistra over the last four years, including the
 28

1 management, operations involving Mr. Wentz, and any insurance that may cover or relate to Mr.
2 Wentz's work;

3 7. To discuss billings from and payments to Montage, Radius, and Vistra over the
4 last four years.

5 The requested discovery from Scott Wentz is well within the scope of examination
6 permitted under FED. R. BANKR. P. 2004, which includes:

7 [t]he acts, conduct, or property or ... the liabilities and financial
8 condition of the debtors, or ... any matter which may affect the
9 administration of the debtor's estate, or to the debtor's right to a
10 discharge. In a ... reorganization case under chapter 11 of the
11 Code, ... the examination may also relate to the operation of any
12 business and the desirability of its continuance, the source of any
13 money or property acquired or to be acquired by the debtor for
14 purposes of consummating a plan and the consideration given or
15 offered therefore, and any other matter relevant to the case or to
16 the formulation of a plan.

13 WHEREFORE, Solarmore and the Trustee respectfully requests that this Court enter its
14 Order authorizing the examination of **Scott Wentz** as described herein. A proposed order is
15 attached as **Exhibit 1**.

16 DATED this 14th day of August 2019.

17 DATED this 14th day of August 2019.

DATED this 14th day of August 2019.

18 SNELL & WILMER L.L.P.

HARTMAN & HARTMAN

19
20 /s/Nathan G. Kanute
21 Nathan G. Kanute (NV Bar No. 12413)
22 50 West Liberty Street, Suite 510
Reno, NV 89501
Telephone: (775) 785-5440

/s/Jeffrey L. Hartman (with permission)
Jeffrey L. Hartman (NV Bar 1607)
510 West Plumb Lane, Suite B
Reno, NV 89509
Telephone: (775) 324-2800
Facsimile: (775) 324-1818

23 Donald L. Gaffney (*admitted pro hac vice*)
24 (AZ Bar No.005717)
25 One Arizona Center, Suite 1900
400 East Van Buren Street
Phoenix, AZ 85004-2202
Telephone: (602) 382-6000

*Attorneys for Christina W. Lovato, Chapter 7
Trustee*

26 *Attorneys for Solarmore Management*
27 *Services, Inc.*

EXHIBIT 1

EXHIBIT 1

Snell & Wilmer
LLP
LAW OFFICES
50 West Liberty Street, Suite 510
Reno, Nevada 89501
775-785-5440

Nathan G. Kanute (NV Bar No. 12413)
SNELL & WILMER L.L.P.
50 West Liberty Street, Suite 510
Reno, NV 89501
Telephone: (775) 785-5440
Facsimile: (775) 785-5441
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Phoenix, AZ 85004-2202
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**ORDER GRANTING JOINT *EX PARTE* MOTION FOR ORDER
REQUIRING SCOTT WENTZ TO
APPEAR FOR EXAMINATION
PURSUANT TO FED. R. BANKR. P.
2004**

**Date of Examination: TBD
Time of Examination: TBD**

This Court having reviewed the *Ex Parte* Motion for Order Requiring Scott Wentz to
Appear for Examination Pursuant to Federal Rule of Bankruptcy Procedure 2004 (“Motion”)

submitted jointly by Solarmore Management Services, Inc.¹ (“Solarmore”) and Christina W. Lovato, Chapter 7 Trustee (the “Trustee”), and for good cause appearing;

IT IS HEREBY ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that **Scott Wentz** shall appear for an examination under oath regarding the Debtor’s assets, liabilities, and financial condition, before a certified court reporter at a time, place and date to be mutually agreed upon by the parties, or if no such agreement is reached, upon no less than fourteen (14) calendar days written notice by Solarmore and/or the Trustee for examination.

IT IS FURTHER ORDERED that oral examination shall continue from day to day, as necessary.

IT IS SO ORDERED.

Respectfully Submitted By:

SNELL & WILMER L.L.P.

HARTMAN & HARTMAN

/s/ Nathan G. Kanute

/s/ Jeffrey L. Hartman

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50 West Liberty Street, Suite 510
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Jeffrey L. Hartman (NV Bar 1607)
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